

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6(4), the Department of Human Services proposes to amend Chapter 11, "Collection of Public Assistance Debts," Iowa Administrative Code.

The proposed amendments reflect the consolidation and simplification of forms used to notify households of public assistance overpayments. A notice of debt is issued to inform the debtor of the amount owed and the reason for the debt and to request the debtor to enter into a repayment agreement. Under these amendments, use of eleven notice of debt forms is discontinued. Three forms are retained, and the following forms are added to replace those discontinued:

- Form 470-4530, Notice of Child Care Assistance Overpayment;
- Form 470-4668, Notice of Food Assistance Overpayment;
- Form 470-4683, Notice of FIP or RCA Overpayment; and
- Form 470-4688, Notice of PROMISE JOBS Overpayment.

The existing forms have been revised to simplify the language, add the suggested minimum payment amounts, and add language that tells debtors to call the Department of Inspections and Appeals (DIA) to discuss other options if the debtor is unable to pay the suggested minimum amount. The revised forms are expected to reduce confusion for debtors who receive them and reduce the number of questions to the DIA.

These amendments do not provide for waivers in specified situations because they merely make technical changes. They do not affect the conditions for establishing or repaying a debt.

Any interested person may make written comments on the proposed amendments on or before April 15, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code sections 217.34, 234.12, 239B.14, and 249A.5.

The following amendments are proposed.

ITEM 1. Amend rule **441—11.1(217)**, definition of "Written notification," as follows:

"*Written notification*" shall mean the notification sent to a debtor by the department on Form 470-1668, Notice of Setoff of an Iowa Income Tax Refund for Debts Owed the Department of Human Services, Form ~~427-0538~~ 470-4139, Notice of Income Offset Against State Warrants ~~for Debts Owed the Department of Human Services~~, and Form ~~427-0539~~ 470-4140, Notice of Income (Payroll) Offset ~~Against State Warrants for Debts Owed the Department of Human Services~~.

ITEM 2. Amend subrule 11.2(2) as follows:

11.2(2) Notice of debt. A claim is established when the first notice of the debt is issued to the household on one of the following forms:

- a. Form 470-0338, Demand Letter for Food Assistance Agency Error Overissuance (no longer issued).
- b. Form 470-2616, Demand Letter for FIP/RCA Agency Error Overissuance (no longer issued).
- c. Form 470-2891, ~~Demand Letter~~ Notice of Medical Assistance Overpayment.
- d. Form 470-3486, Demand Letter for Food Assistance Intentional Program Violation Overissuance (no longer issued).

- e.* Form 470-3487, Demand Letter for Food Assistance Inadvertent Household Error Overissuance (no longer issued).
- f.* Form 470-3490, Demand Letter for FIP/RCA Client Error Overissuance (no longer issued).
- g.* Form 470-3627, Demand Letter for Child Care Assistance Provider Error Overissuance (no longer issued).
- h.* Form 470-3628, Demand Letter for Child Care Assistance Agency Error Overissuance (no longer issued).
- i.* Form 470-3807, Demand Letter for Child Care Assistance Client Error Benefit Overissuance (no longer issued).
- j.* Form 470-3984, Notice of Healthy and Well Kids in Iowa (HAWK-I) Premium Overpayment.
- k.* Form 470-3990, Demand Letter for PROMISE JOBS Agency Error Overissuance (no longer issued).
- l.* Form 470-3991, Demand Letter for PROMISE JOBS Client Error Overissuance (no longer issued).
- m.* Form 470-3992, Demand Letter for PROMISE JOBS Provider Error Overissuance (no longer issued).
- n.* Form 470-4179, Notice of Food Assistance ~~Trafficking~~ Debt.
- o.* Form 470-4530, Notice of Child Care Assistance Overpayment.
- p.* Form 470-4668, Notice of Food Assistance Overpayment.
- q.* Form 470-4683, Notice of FIP or RCA Overpayment.
- r.* Form 470-4688, Notice of PROMISE JOBS Overpayment.